

Docket No.: 50212-305



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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Customer Number: 20277  
Motonori NAKAMURA, et al. : Confirmation Number: 3413  
Serial No.: 09/977,348 : Group Art Unit: 1731  
Filed: October 16, 2001 : Examiner: J. Hoffmann  
For: OPTICAL FIBER DEVICE AND METHOD OF MAKING THE SAME

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Restriction Requirement  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In the Office Action dated March 24, 2004, the Examiner imposed a Restriction Requirement pursuant to 35 U.S.C. §121, requiring election of either:

- Group I. Claims 1 through 10 directed to a fiber splice; or
- Group II. Claims 11 through 18 directed to a method.

In response, Applicants elect to prosecute fiber splice claims 1 through 10 (Group I).

Favorable consideration of claims 1 through 10 (Group I) is solicited.

Applicants also solicit a rejoinder of non-elected method claims 11 through 18, upon the determination of an allowable article claim, pursuant to the provisions of MPEP§821.04.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



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**Date: April 5, 2004**